

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**DARRYL GEORGE AND DARRESHA
GEORGE**
Plaintiffs,

V.

**GREG ABBOTT, KEN PAXTON,
BARBER'S HILL INDEPENDENT
SCHOOL DISTRICT, GREG POOLE,
LANCE MURPHY AND RYAN
RODRIGUEZ.
Defendants.**

NO.: 3:24-cv-12

PLAINTIFF’S REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW
FOR DENIAL OF EMERGENCY RELIEF AND DEPOSITIONS

NOW COMES, Plaintiff, Darryl George, who files this, his request for findings of fact and conclusions of law.

Plaintiff, in support thereof, shows the Court:

1. On August 14, 2024, Plaintiff filed an emergency Temporary Restraining Order (TRO) and Injunction Request, See Court's File, Docket Number 101.
2. The Court did not rule on the emergency TRO at all. Defense counsel emailed the Court to inquire and was told that we would receive a response on September 4, 2024.
3. The Court did not address the TRO or the injunction until the Plaintiff was forced to withdraw, and subsequently used that withdrawal as grounds to deny the request, despite the fact that Plaintiff qualified for a TRO at the time of filing and continued to meet the

qualifications until the withdrawal, See Court's File, Docket Number 100. In addressing it, the Court ordered BHISD to file withdrawal paperwork.

08/14/2024	81	Opposed MOTION for Temporary Restraining Order by Darryl George, filed. Motion Docket Date 9/4/2024. (Attachments: # 1 Affidavit, # 2 Affidavit, # 3 Proposed Order) (Booker, Allie) (Entered: 08/14/2024)
08/15/2024	82	SUPPLEMENT to 81 Opposed MOTION for Temporary Restraining Order by Darryl George, filed. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit) (Booker, Allie) (Entered: 08/15/2024)
08/20/2024	83	ANSWER to 54 Amended Complaint/Counterclaim/Crossclaim etc. by Barbers Hill Independant School District, filed. (Brush, Jonathan) (Entered: 08/20/2024)
08/20/2024	84	RESPONSE to 81 Opposed MOTION for Temporary Restraining Order filed by Barbers Hill Independant School District. (Attachments: # 1 Exhibit A, # 2 Appendix) (Brush, Jonathan) (Entered: 08/20/2024)
08/20/2024	85	MOTION for Summary Judgment by Barbers Hill Independant School District, filed. Motion Docket Date 9/10/2024. (Attachments: # 1 Exhibit A, # 2 Appendix, # 3 Proposed Order) (Brush, Jonathan) (Entered: 08/20/2024)
08/21/2024	86	NOTICE OF INTERLOCUTORY APPEAL to US Court of Appeals for the Fifth Circuit re: 76 Memorandum and Order,, by Darresha George, Darryl George (Filing fee \$ 605, receipt number BTXSDC-32071368), filed. (Booker, Allie) (Entered: 08/21/2024)
08/22/2024	87	Clerks Notice of Filing of an Appeal. The following Notice of Appeal and related motions are pending in the District Court: 86 Notice of Interlocutory Appeal. Fee status: Paid. Reporter(s): ERO, filed. (Attachments: # 1 NOA) (dar1) (Entered: 08/22/2024)
08/22/2024		Appeal Review Notes re: 86 Notice of Interlocutory Appeal. Fee status: Paid. The appeal filing fee has been paid or an ifp motion has been granted.Hearings were held in the case. DKT13 transcript order form(s) due within 14 days of the filing of the notice of appeal.Hearings were held in the case - transcripts were produced. Number of DKT-13 Forms expected: 1, filed. (dar1) (Entered: 08/22/2024)
08/22/2024	88	ORDER Brief due by 8/28/2024(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 08/22/2024)
08/28/2024	89	BRIEF <i>on the Court's Jurisdiction during the Pendency of Plaintiffs' Interlocutory Appeal</i> re: 88 Order by Barbers Hill Independant School District, filed. (Brush, Jonathan) (Entered: 08/28/2024)
08/28/2024	90	BRIEF <i>on the Court's Jurisdiction during pendency of Plaintiff's Interlocutory Appeal</i> by Darresha George, Darryl George, filed. (Plumbar, Joseph) (Entered: 08/28/2024)
08/29/2024	91	MOTION Certify for Interlocutory Appeal, MOTION for Certificate of Appealability(Motion Docket Date 9/19/2024.) by Darryl George, filed. (Attachments: # 1 Proposed Order) (Booker, Allie) (Entered: 08/29/2024)
08/31/2024	92	Opposed MOTION for Continuance of MOTION FOR SUMMARY JUDGMENT by Darryl George, filed. Motion Docket Date 9/23/2024. (Attachments: # 1 Proposed Order) (Booker, Allie) (Entered: 08/31/2024)
09/03/2024	93	NOTICE to Take Deposition of the designated Corporate Representative for BHISD by Darryl George, filed. (Booker, Allie) (Entered: 09/03/2024)
09/04/2024	94	Letter re: Scope of Discovery and Motion to Quash Deposition Notice of Corporate Representative by Barbers Hill Independant School District, filed. (Brush, Jonathan) (Entered: 09/04/2024)
09/04/2024	95	NOTICE to Take Deposition of Designated Representative by Darryl George, filed. (Booker, Allie) (Entered: 09/04/2024)
09/05/2024	96	Supplemental RESPONSE to 82 Supplement, 81 Opposed MOTION for Temporary Restraining Order -- <i>BHISD's Supplement to its Response and Suggestion of Mootness to Plaintiffs' Request for Injunctive Relief</i> , filed by Barbers Hill Independant School District. (Brush, Jonathan) (Entered: 09/05/2024)
09/05/2024	97	RESPONSE to 85 MOTION for Summary Judgment filed by Darryl George. (Booker, Allie) (Entered: 09/05/2024)
09/09/2024	98	Letter in Response to Defendants' Discovery Letter by Darresha George, Darryl George, filed. (Plumbar, Joseph) (Entered: 09/09/2024)
09/10/2024	99	Notice of Non-Compliance. The appellant (or counsel for the appellant, if represented) has failed to: Submit the DKT13 transcript order form. Parties notified, filed. (bav1) (Entered: 09/10/2024)
09/10/2024	100	ORDER granting 94 Document (Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 09/10/2024)
09/10/2024	101	ORDER regarding 96 Response, (Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 09/10/2024)

4. The Court entered a scheduling order in this matter, See Court's File, Docket Number 81.
5. Subsequently, the Court quashed the deposition of the corporate representative for BHISD, but did not stay discovery in this case, See Court's File, Docket Number 80 and 101.

08/14/2024	80	ORDER granting 78 Motion for Entry of Order.(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 08/14/2024)
08/14/2024		***Set/Reset Scheduling Order and Trial Settings: Pltf Expert Report due by 1/10/2025. Deft Expert Report due by 2/7/2025. Discovery due by 4/4/2025. Dispositive Motion Filing due by 6/6/2025. Non-Dispositive Motion Filing due by 7/18/2025. Joint Pretrial Order due by 8/8/2025. Docket Call set for 9/12/2025 at 09:30 AM in Sixth Floor Courtroom Galveston before Judge Jeffrey V Brown (GeorgeCardenas, 3) (Entered: 08/14/2024)

Plaintiff hereby requests the Court's findings of fact and conclusions of law regarding the following:

1. The denial of Plaintiff's emergency TRO and/or refusal to rule on TRO.
2. The quashing of Plaintiff's deposition of a corporate representative (scheduled for 09/25/2024).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests the Court to honor said request submit the finding of fact and conclusions of law in support of the denial of the TRO.

Plaintiff prays for all relief herein requested.

Plaintiff prays for general relief.

Respectfully submitted,

THE BOOKER LAW FIRM

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NOTICE OF ELECTRONIC FILING

I, Allie Booker, Plaintiffs' Attorney, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above in accordance with the Electronic Case Files System of the Southern Texas, on this the 20th day of September 2024.

/s/Allie Booker
Allie Booker

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served on the parties listed below in compliance with Federal Rules of Civil Procedure on the 20th of September 2024

/s/ Allie R. Booker
Allie R. Booker